



PLANNING COMMISSION AGENDA REPORT

MEETING DATE: MAY 23, 2005

III. 4.
ITEM NUMBER:

SUBJECT: PLANNING APPLICATION PA-05-12
2428 NEWPORT BOULEVARD, SUITES 5 AND 6

DATE: MAY 12, 2005

FOR FURTHER INFORMATION CONTACT: WENDY SHIH, ASSOCIATE PLANNER (714) 754-5136

PROJECT DESCRIPTION


The applicant is requesting approval of a conditional use permit to establish a tattoo and piercing shop within an existing multiple tenant commercial building.

APPLICANT

The applicant is Chad Meredith, representing the property owner, Pierre Zarokian.

RECOMMENDATION

Approve by adoption of Planning Commission resolution, subject to conditions.


WENDY SHIH
Associate Planner


R. MICHAEL ROBINSON, AICP
Asst. Development Services Director

BACKGROUND

The subject property is located near the northeast corner of Santa Isabel Avenue and Newport Boulevard. It is zoned C1 (Local Business District) with a General Plan Designation of Commercial Residential, surrounded by the 55 Freeway across Newport Boulevard to the west, and commercially zoned and developed properties to the north and south. The property to the east is zoned R2-MD (Multiple-Family Residential – Medium Density). The property is also located within the Newport Boulevard Specific Plan area.

The applicant proposes to occupy suites 5 and 6 to establish a tattoo and piercing shop within an existing commercial building. Per Costa Mesa Municipal Code Section 13-30 (144), tattoo parlors require approval of a conditional use permit.

In 1997, the City Council adopted Ordinance No. 97-16 (Title 8, Chapter VI of the Municipal Code), adopting the County of Orange guidelines establishing regulations for tattoo establishments (a copy of which is attached to this report). There are three tattoo establishments currently in operation in the City (2075 Newport Boulevard, 2981 Bristol Street, B-4, and 788 West 19th Street), all of which were approved by conditional use permits. The Police Department has not received any complaints about the existing tattoo establishments.

ANALYSIS

The applicant proposes to occupy an approximately 1,100 square foot suite (suites 5 and 6 combined) for a tattoo and piercing establishment. The business will have two retail display/waiting areas, three tattoo and piercing stations, an office and a storage room. The suite is located more than 100 ft. away from the residential property to the rear (east) and is separated by two suites containing retail/service businesses.

The applicant proposes to operate between 11 a.m. and 11 p.m. on weekdays and 11 a.m. and midnight on weekends. Since the property backs up to a residential property, staff is recommending a condition of approval requiring the hours of operation for customer service be limited to the hours between 11 a.m. and 11 p.m. daily. Staff is also recommending a condition that the tattooing of "specified anatomical areas" as described in Title 13, Chapter IX, Article 1 (Sexually Oriented Businesses) cannot be visible to the public. These conditions are consistent with the conditions of approval for the existing tattoo establishments.

The property has an existing outdoor storage area at the rear of the lot and is currently closed off by a chain link fence and wood slats. Staff is recommending a condition to require that the fence and slats be replaced/repared to properly screen the storage yard.

ALTERNATIVES

If the application is not approved, the use cannot be established on the property. Another use permitted by right in the C1 zone per the Zoning Code may be established.

CONCLUSION

The suite in which the business is proposed is located more than 100 ft. away from the residential property to the rear (east) and separated by two retail/service businesses. The commercial and residential properties are also separated by a 6-foot high block wall. The operators of the tattoo business will be required to comply with all applicable City and County regulations, as well as conditions of approval, to minimize impacts to surrounding properties and uses.

Attachments: Draft Planning Commission Resolution
 Exhibit "A" - Draft Findings
 Exhibit "B" - Draft Conditions of Approval
 Applicant's Project Description and Justification
 Zoning/Location Map
 Plans

cc: Deputy City Manager - Dev. Svs. Director
 Senior Deputy City Attorney
 City Engineer
 Fire Protection Analyst
 Staff (4)
 File (2)

Chad Meredith
36781 Pebley Ct.
Winchester, CA 92596

Pierre Zarokian
417 Arden Ave., 106-B
Glendale, CA 91203

File: 052305PA0512	Date: 051005	Time: 10:15 a.m.
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RESOLUTION NO. PC-05-

**A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF COSTA MESA APPROVING PLANNING
APPLICATION PA-05-12**

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY
RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by Chad Meredith, authorized agent for Pierre Zarokian, with respect to the real property located at 2428 Newport Boulevard, Suites 5 and 6, requesting approval of conditional use permit to establish a tattoo and piercing shop within an existing commercial building; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on May 23, 2005;

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", and subject to the conditions contained in Exhibit "B", the Planning Commission hereby **APPROVES** Planning Application PA-05-12 with respect to the property described above.

BE IT FURTHER RESOLVED that the Costa Mesa Planning Commission does hereby find and determine that adoption of this resolution is expressly predicated upon the activity as described in the staff report for PA-05-12 and upon applicant's compliance with each and all of the conditions contained in Exhibit "B". Should any material change occur in the operation, or should the applicant fail to comply with the conditions of approval, then this resolution, and any recommendation for approval herein contained, shall be deemed null and void.

PASSED AND ADOPTED this 23rd day of May, 2005.

Chair, Costa Mesa
Planning Commission

H

STATE OF CALIFORNIA)
)ss
COUNTY OF ORANGE)

I, R. Michael Robinson, secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution was passed and adopted at a meeting of the City of Costa Mesa Planning Commission held on May 23, 2005, by the following votes:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAIN: COMMISSIONERS

Secretary, Costa Mesa
Planning Commission

EXHIBIT "A"**FINDINGS**

- A. The proposed project complies with Costa Mesa Municipal Code Section 13-29(e) because:
1. The proposed use is compatible and harmonious with uses on surrounding properties.
 2. The project is consistent with the General Plan.
 3. The planning application is for a project-specific case and does not establish a precedent for future development.
- B. The information presented substantially complies with Costa Mesa Municipal Code section 13-29(g)(2) in that the proposed use is substantially compatible with developments in the same general area. Granting the conditional use permit will not be detrimental to the health, safety and general welfare of the public or other properties or improvements within the immediate vicinity. Specifically, the proposed tattoo business is located within a commercial retail center, which contains a variety of commercial uses. The suite in which the business is proposed is located more than 100 ft. away from the residential property to the rear (east) and separated by other two retail/service businesses. As a result, there should be no impacts to the residential properties. Additionally, the operators of the business will be required to obtain Orange County Environmental Health Care Agency permits and approvals. Granting the conditional use permit will not allow a use, density or intensity, which is not in accordance with the general plan designation for the property.
- C. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and has been found to be exempt from CEQA.
- D. The project is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

EXHIBIT "B"**CONDITIONS OF APPROVAL**

- Plng.
1. Repair/replace fence/slats as necessary to properly screen the storage area at the rear of the lot. This condition shall be completed under the direction of the Planning staff prior to issuance of a business license for the tattoo establishment.
 2. The business shall be conducted, at all times, in a manner that will allow the quiet enjoyment of the surrounding neighborhood. The applicant and/or business owner shall institute whatever security and operational measures are necessary to comply with this requirement.
 3. This business shall be conducted in such a manner so that it does not permit the observation by customers or the public of the tattooing of "specific anatomical areas" as described in Title 13, Chapter IX, Article 1 (sexually oriented businesses).
 4. The conditional and minor conditional use permits herein approved shall be valid until revoked, but shall expire upon discontinuance of the activity authorized hereby for a period of 180 days or more. The conditional use permit may be referred to the Planning Commission for modification or revocation at any time if the conditions of approval have not been complied with, if the use is being operated in violation of applicable laws or ordinances, or if, in the opinion of the development services director or his designee, any of the findings upon which the approval was based are no longer applicable.
 5. A copy of the conditions of approval for the conditional use permit must be kept on premises and presented to any authorized City official upon request. New business/property owners shall be notified of conditions of approval upon transfer of business or ownership of land.
 6. Hours of operation for customer service shall be limited to the hours between 11 a.m. and 11 p.m. daily.

PLANNING DIVISION - CITY OF COSTA MESA

DESCRIPTION/JUSTIFICATION

Application #: **PA-05-12**

Environmental Determination:

Address: **2428 Newport Blvd. #5 & 6 Costa Mesa, CA. 92627**

1. Fully describe your request: **WE ARE REQUESTING A CONDITIONAL USE PERMIT TO OPEN A TATTOO & PIERCING PARLOR IN THE CITY OF COSTA MESA**

2. Justification

- A. For a Conditional Use Permit or Minor Conditional Use Permit: Describe how the proposed use is substantially compatible with uses permitted in the same general area and how the proposed use would not be materially detrimental to other properties in the same area.

PLEASE SEE ATTACHED DESCRIPTION

- B. For a Variance or Administrative Adjustment: Describe the property's special circumstances, including size, shape, topography, location or surroundings that deprive the property of privileges enjoyed by other properties in the vicinity under the identical zoning classification due to strict application of the Zoning Code.

N/A

3. This project is: (check where appropriate)

☐ In a flood zone.

☐ Subject to future street widening.

☐ In the Redevelopment Area.

☒ In a Specific Plan Area.

4. I have reviewed the HAZARDOUS WASTE AND SUBSTANCES SITES LIST published by the office of Planning and Research and reproduced on the rear of this page and have determined that the project:

☒ Is not included in the publication indicated above.

☐ Is included in the publication indicated above.

Carl Mendez

Signature

4/13/05

Date

2. Justification

Heritage Ink & Needle Works is a destination driven business that will attract and share much of the same clientele as the existing businesses located at 2428 Newport Blvd.

We anticipate the automotive traffic impact will be nominal.

As professional and responsible business owners Heritage Ink & Needle Works will be beneficial to your city because it will:

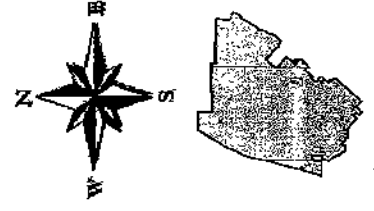
- Generate tax revenue for the City of Costa Mesa and the immediate community
- Will promote walk through customers for the other businesses located in our building as well as the surrounding area
- Strongly adhere to strict age limits requiring photo identification as well as enforce a no loitering policy
- Support the community including schools and youth organizations
- Support all local clean up efforts to better the community
- Work with local police and sheriff departments on gang member identification to reduce crime in our area
- Present a positive image for the City of Costa Mesa at home and at all events outside the city
- Utilize hospital grade sterilization and cleaning processes
- Implement S.O.P.'s (Standard Operating Procedures) using log books to assure that the proper procedures are followed
- Provide proper training for all staff members in every aspect of the business
- Maintain a clean and neat appearance of our shop and staff
- Be a pro-active member of the community
- Adhere to good business practices and strong work ethics

2428 Newport Boulevard

Units 5 and 6

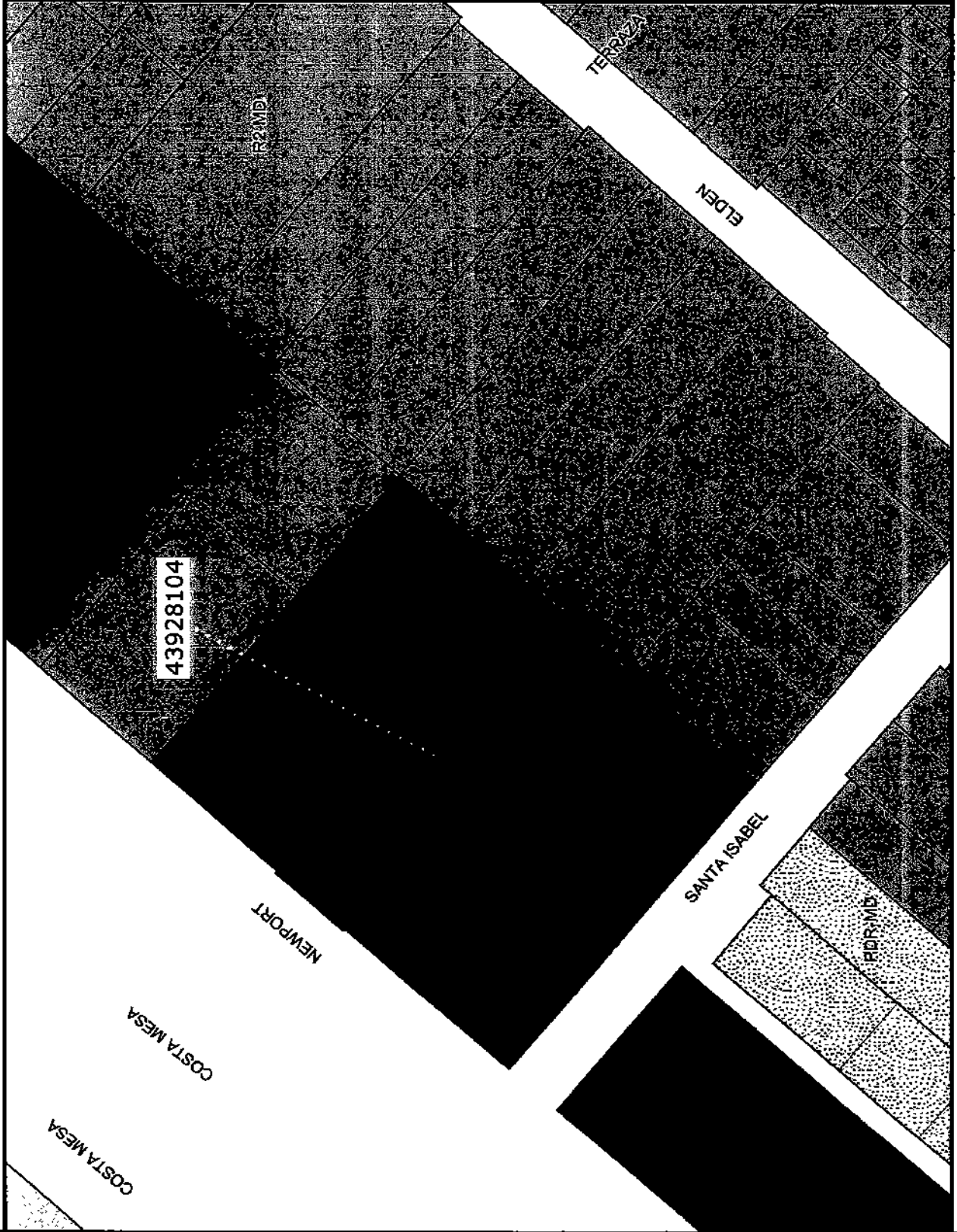
Legend

- Identified Features
- Selected Features
- Street Names
- Parcel Lines
- City Boundary
- Ortho Photography
- Parcels



ZONING/LOCATION MAP

PA-05-12



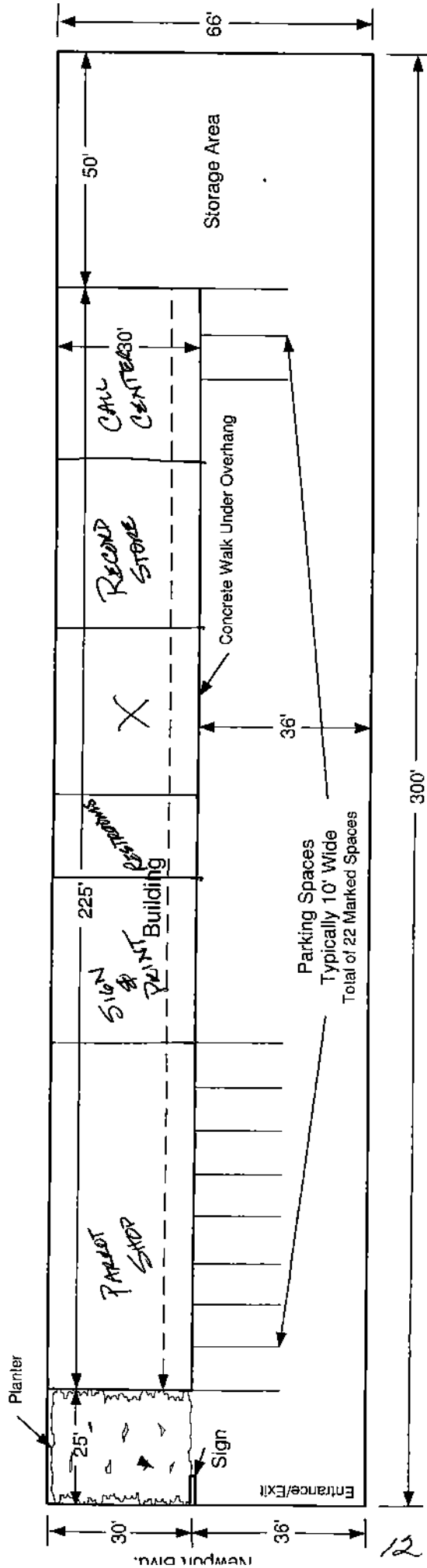
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Selected Features

Street Names
Parcel Lines
City Boundary
Zoning

AP C1 C1-S C2 CL TAR TAR-B HQ MP P PDC PDI PDR-HD PDR-LD PDR-MD PDR-NCM R1 R2-HD R2-MD R3 TC Parcels





CHAD W. BERTH
714-333-6791

2428 Newport Blvd
Costa Mesa, CA 92626
UNIT 5#6

DA-05-12

